



AF/2151
Patent JPW

Docket No.: SONY-50P3806

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.

Date of Deposit:	03/13/06	Name of Person Making the Deposit:	KATHERINE RINALDI	Signature of the Person Making the Deposit:	<i>Katherine Rinaldi</i>
------------------	----------	------------------------------------	-------------------	---	--------------------------

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gina C. Eubanks

Application No.: 09/66,1578

Examiner: Dinh, Khanh Q.

Filed: 09/14/00

Art Unit: 2151

Confirmation No.: 9174

For: INTERNET STTRAWMAN AND USER INTERFACE THEREFOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

Transmittal of an Appeal Brief
(Under 37 CFR §1.192)

☒ Transmitted herewith is the APPEAL BRIEF in this application with respect to the Notice of Appeal filed on: 01/11/06

- ☒ The application is on behalf of other than a small entity
..... The application is on behalf of a small entity.
..... A verified statement of small entity status is attached.
..... A verified statement of small entity status has been previously filed herein.

Fee Calculation (for other than a small entity)		
Filing Appeal Brief	\$500	\$500.00
Total Fees		\$500.00

PAYMENT OF FEES

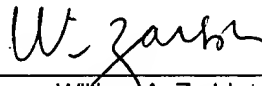
- The full fee due in connection with this communication is provided as follows:
 - ☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.
A duplicate copy of this authorization is enclosed.
 - ☒ A check in the amount of \$500.00
 - ☐ Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060

Respectfully submitted,

Date: 3/13/06

By: 
William A. Zarbis
Reg. No. 46,120



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	Eubanks, G.	Patent Application
Application No.:	09/661,578	Art Unit: 2151
Filing Date:	September 14, 2000	Examiner: Dinh, K.
For:	INTERNET STRAWMAN AND USER INTERFACE THEREFOR	

APPEAL BRIEF

03/16/2006 EAYALEW1 00000013 09661578

01 FC:1402

500.00 OP

SONY-50P3806
Serial No.: 09/661,578

Table of Contents

	<u>Page</u>
Real Party in Interest	1
Related Appeals and Interferences	1
Status of Claims	1
Status of Amendments	1
Summary of Claimed Subject Matter	1
Grounds of Rejection to be Reviewed on Appeal	4
Arguments	4
Conclusions	8
Appendix I: Clean Copy of Claims on Appeal	9
Appendix II: Evidence	16
Appendix III: Related Proceedings	16

Real Party in Interest

The assignees of the present invention are Sony Corporation of Japan and Sony Electronics, Inc.

Related Appeals and Interferences

There are no related appeals or interferences known to the Appellant.

Status of Claims

Claims 1-30 have been rejected. This appeal involves Claims 1-30.

Status of Amendments

An amendment has not been filed subsequent to the final rejection.

Summary of Claimed Subject Matter

Independent Claims 1, 11 and 21, respectively, pertain to a computer-implemented method (flowchart 400 of Figure 4), and computer systems (e.g., computer system 100 of Figure 1) that implement such a method. In the discussion below, reference is to Figure 4 unless otherwise noted.

According to independent Claims 1, 11 and 21, in block 410, an intermediary (element 230 of Figure 2) receives personal information from a client, referred to as a subscriber (element 220 of Figure 2), in order to establish a user account (page 18, lines 19-23, and page 28, lines 12-14). In block 420, the personal information is stored by the intermediary (page 28, lines 16-22). In block 430, when a request is subsequently received from the subscriber to access the user account, the intermediary uses the personal

information to verify the subscriber's identity (page 28, lines 24-25 through page 29, lines 1-4, and page 20, lines 24-25, through page 21, line 1).

In block 440, if the verification is successful, the intermediary conducts a transaction with a vendor (element 210 of Figure 2) on behalf of the subscriber. Significantly, the transaction is conducted using information about the intermediary and without disclosing personal information about the subscriber (page 24, lines 11-13 and 18-25, and page 29, lines 6-8).

In block 450, the subscriber is notified upon completion of the transaction (page 29, lines 13-14).

Claims 2-10 and 29-30 are dependent on Claim 1; Claims 12-20 are dependent on Claim 11; and Claims 22-28 are dependent on Claim 21.

According to Claims 2, 12 and 22, in block 455, an account activity statement can be prepared for the subscriber, where the account activity statement includes information completed through the user account over a period of time (page 26, lines 15-17, and page 30, lines 1-5).

According to Claims 3, 13 and 23, in blocks 465 and 475, the intermediary can receive an item ordered from the vendor on behalf of the subscriber (page 30, lines 10-12), and can bill the subscriber for services rendered (page 30, lines 16-17).

According to Claims 4, 14 and 24, in block 475, the subscriber can be notified upon the intermediary's receipt of the item, and the intermediary can hold the item for pick-up (page 30, lines 12-14).

According to Claims 5, 15 and 25, in block 475, the item can be shipped to the subscriber (page 30, lines 15-16).

According to Claims 6, 16 and 26, in blocks 485 and 495, the intermediary can receive and handle a post-delivery request from the subscriber (page 31, lines 4-7).

According to Claims 7, 17 and 27, in block 495, the post-delivery request may take different forms (page 31, lines 7-9).

According to Claims 8 and 18, the intermediary can maintain rating information about the vendor and provide the rating information to the subscriber.

According to Claims 9 and 19, in block 475, the intermediary can provide financing to the subscriber (page 30, lines 18-21).

According to Claims 10, 20 and 28, the transaction can be conducted over the Internet (element 280 of Figure 2) (page 15, lines 5-7).

According to Claim 29, the transaction can be the purchase of an item (page 15, line 11).

According to Claim 30, the transaction can be a financial transaction (page 15, line 12).

Grounds of Rejection to be Reviewed on Appeal

Claims 1-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herman et al. (U.S. Patent No. 6,341,353; hereinafter, "Herman") in view of Philyaw et al. (U.S. Patent No. 6,836,799; hereinafter, "Philyaw").

Arguments

Claims 1, 11 and 21

The following arguments are applicable to the independent Claims 1, 11 and 21, which are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herman and Philyaw.

The current rejection (specifically, the Office Action mailed November 2, 2005), on page 3, acknowledges that "Herman does not specifically disclose a transaction is completed without disclosing personal information about a subscriber to a vendor," as recited in Claims 1, 11 and 21. Appellant respectfully agrees.

However, Appellant respectfully disagrees that Herman teaches "said intermediary conducting said transaction with said vendor ... utilizing information about said intermediary," as recited in Claims 1, 11 and 21. The current rejection cites column 6, line 64, through column 7, line 67, of

Herman as teaching this limitation. However, Appellant can find no showing or suggestion of this limitation in the cited portion of Herman nor in the entirety of Herman. While the cited portion describes a transaction between a user and a vendor, including intermediate elements between the user and the vendor, the transaction described is not conducted using information about the intermediate elements. That is, the intermediate elements appear to simply forward information about the user to the vendor.

This point is further illustrated by the discussion at lines 34-48 in column 43 of Herman. A buyer's transaction is conducted via a trusted agent server. The role of the trusted agent server is described in detail in conjunction with Figures 11, 12 and 13 of Herman (starting at column 38, line 60). As understood by Appellant, although the transaction is conducted via the trusted agent server, information about the trusted agent server is not used to conduct the transaction.

To summarize, Appellant respectfully submits that Herman does not show or suggest "said intermediary conducting a transaction with said vendor on behalf of said subscriber ..., wherein said transaction is conducted utilizing information about said intermediary" nor does Herman show or suggest conducting such a transaction "without disclosing said personal information about said subscriber to said vendor" as recited in independent Claim 1 and as similarly recited in independent Claims 11 and 21.

Philyaw is introduced to overcome the shortcomings of Herman. However, Appellant respectfully submits that Philyaw, even in combination with Herman, does not show or suggest the claim limitations cited above.

Philyaw, alone or in combination with Herman, also only appears to describe intermediary devices that, at best, only serve to forward information from one entity to another. This point is evidenced within the abstract of Philyaw, for example. Thus, Appellant respectfully submits that Philyaw, alone or in combination with Herman, does not show or suggest “said intermediary conducting a transaction with said vendor on behalf of said subscriber ..., wherein said transaction is conducted utilizing information about said intermediary” as recited in independent Claim 1 and as similarly recited in independent Claims 11 and 21.

Furthermore, Philyaw teaches that user profile information is sent to a vendor, as evidenced at least by Philyaw’s abstract and also at column 13, lines 12-21 (please note that the subscriber of Philyaw is the vendor and not the client; see column 7, lines 39-40). Therefore, Appellant respectfully submits that Philyaw, alone or in combination with Herman, does not show or suggest conducting a transaction “without disclosing said personal information about said subscriber to said vendor” as recited in independent Claim 1 and as similarly recited in independent Claims 11 and 21.

In the Office Action mailed November 2, 2005, the Examiner states that Philyaw discloses only transmitting a user ID to a vendor, instead of transmitting user profile information. However, Appellant respectfully notes

that the vendor uses that user ID to obtain user profile information. Thus, Appellant respectfully reiterates that Philyaw does not teach “without disclosing said personal information about said subscriber to said vendor” as recited in independent Claim 1 and as similarly recited in independent Claims 11 and 21.

In summary, Appellant respectfully submits that the basis for rejecting Claims 1, 11 and 21 under 35 U.S.C. § 103(a) is traversed and that Claims 1, 11 and 21 are in condition for allowance.

Claims 2-10, 12-20 and 22-30

The following arguments are applicable to Claims 2-10, 12-20 and 22-30, which are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herman and Philyaw.

Claims 2-10, 12-20 and 22-30 are dependent on either independent Claim 1, 11 or 21 and recite additional limitations. Accordingly, by showing that Claims 1, 11 and 21 are not shown or suggested by Herman and Philyaw (alone or in combination), it is also demonstrated that Claims 2-10, 12-20 and 22-30 are also not shown or suggested by Herman and Philyaw (alone or in combination).

As presented above, Appellant respectfully submits that Herman and Philyaw do not show or suggest the present invention as recited by Claims 1, 11 and 21.

Therefore, Appellant respectfully submits that Herman and Philyaw, alone or in combination, do not show or suggest the present claimed invention recited by Claims 2-10, 12-20 and 22-30, as Claims 2-10, 12-20 and 22-30 are dependent on allowable base claims and recite additional limitations. Therefore, Appellant respectfully submits that the basis for rejecting Claims 2-10, 12-20 and 22-30 under 35 U.S.C. § 103(a) is traversed.

Conclusions

Appellant respectfully asserts that Claims 1-30 are patentable over Herman and Philyaw.

Appellant respectfully requests that the rejection of Claims 1-30 be reversed.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: 3/13, 2006



William A. Zarbis
Registration No. 46,120

Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060

Appendix I – Clean Copy of Claims on Appeal

1. (Previously Presented) A computer implemented method for facilitating a transaction between a subscriber and a vendor through an intermediary, said method comprising the steps of:

- a) receiving at said intermediary personal information from said subscriber to establish a user account;
- b) storing said personal information for subsequent access;
- c) receiving at said intermediary a request from said subscriber to access said user account, whereupon said subscriber's identity is verified by said intermediary against said personal information;
- d) responsive to successful verification of said subscriber's identity, said intermediary conducting a transaction with said vendor on behalf of said subscriber pursuant to said subscriber's instruction, wherein said transaction is conducted utilizing information about said intermediary and without disclosing said personal information about said subscriber to said vendor; and
- e) notifying said subscriber upon completion of said transaction.

2. (Original) The method as recited in Claim 1 further comprising the step of preparing an account activity statement for said subscriber, wherein said account activity statement includes information about transactions completed through said user account during a statement period.

3. (Original) The method as recited in Claim 1 further comprising the steps of:

- f) receiving at said intermediary an item ordered from said vendor on behalf of said subscriber pursuant to said subscriber's instruction; and

g) billing said subscriber for services rendered.

4. (Original) The method as recited in Claim 3 further comprising the steps of notifying said subscriber upon receipt of said item; and holding said item for pick-up by said subscriber.

5. (Original) The method as recited in Claim 3 further comprising the step of shipping said item to said subscriber.

6. (Original) The method as recited in Claim 3 further comprising the steps of receiving at said intermediary a post-delivery request from said subscriber, said post-delivery request relating to said item; and handling said post-delivery request on behalf of said subscriber.

7. (Original) The method as recited in Claim 6 wherein said post-delivery request is selected from the group consisting of a return request, a repair request, an exchange request, a warranty submission request, and a rebate request.

8. (Original) The method as recited in Claim 1 further comprising the steps of maintaining at said intermediary rating information about said vendor; and providing said rating information to said subscriber.

9. (Original) The method as recited in Claim 1 wherein said intermediary provides purchase financing to said subscriber in said transaction.

10. (Original) The method as recited in Claim 1 wherein said transaction is conducted over the Internet.

11. (Previously Presented) A computer system comprising a processor coupled to a bus and a memory unit coupled to said bus, said memory unit having stored therein instructions that when executed implement a method for facilitating a transaction between a subscriber and a vendor through an intermediary, said method comprising the steps of:

- a) receiving at said intermediary a request from said subscriber to access a user account, whereupon said subscriber's identity is verified by said intermediary against personal information stored by said intermediary;
- b) responsive to successful verification of said subscriber's identity, said intermediary conducting a transaction with said vendor on behalf of said subscriber pursuant to said subscriber's instruction, wherein said transaction is conducted utilizing an account of said intermediary and without disclosing said personal information about said subscriber to said vendor; and
- c) notifying said subscriber upon completion of said transaction.

12. (Original) The computer system as recited in Claim 11 wherein said method further comprises the step of preparing an account activity statement for said subscriber, said account activity statement including information about transactions completed through said user account during a statement period.

13. (Previously Presented) The computer system as recited in Claim 11 wherein said method further comprises the steps of:

- d) receiving at said intermediary an item ordered from said vendor on behalf of said subscriber pursuant to said subscriber's instruction; and
- e) billing said subscriber for services rendered.

14. (Original) The computer system as recited in Claim 13 wherein said method further comprises the steps of notifying said subscriber upon receipt of said item; and holding said item for pick-up by said subscriber.

15. (Original) The computer system as recited in Claim 13 wherein said method further comprises the step of shipping said item to said subscriber.

16. (Original) The computer system as recited in Claim 13 wherein said method further comprises the steps of receiving at said intermediary a post-delivery request from said subscriber, said post-delivery request relating to said item; and handling said post-delivery request on behalf of said subscriber.

17. (Original) The computer system as recited in Claim 16 wherein said post-delivery request is selected from the group consisting of a return request, a repair request, an exchange request, a warranty submission request, and a rebate request.

18. (Original) The computer system as recited in Claim 11 wherein said method further comprises the steps of maintaining at said intermediary rating information about said vendor; and providing said rating information to said subscriber.

19. (Original) The computer system as recited in Claim 11 wherein said intermediary provides purchase financing to said subscriber in said transaction.

20. (Original) The computer system as recited in Claim 11 wherein said transaction is conducted over the Internet.

21. (Previously Presented) A computer system for facilitating a transaction between a subscriber and a vendor through an intermediary, said computer system comprising:

input means for receiving at said intermediary personal information from said subscriber to establish a user account;

storage means for storing said personal information for subsequent access;

said input means also for receiving at said intermediary a request from said subscriber to access said user account, whereupon said subscriber's identity is verified by said intermediary against said personal information;

means for enabling said intermediary to conduct a transaction with said vendor on behalf of said subscriber pursuant to said subscriber's instruction responsive to successful verification of said subscriber's identity, wherein said transaction is conducted utilizing an account of said

intermediary and without disclosing said personal information about said subscriber to said vendor; and

notification means for notifying said subscriber upon completion of said transaction.

22. (Original) The computer system as recited in Claim 21 further comprising means for preparing an account activity statement for said subscriber, wherein said account activity statement includes information about transactions completed through said user account during a statement period.

23. (Original) The computer system as recited in Claim 21 wherein said input means is also for receiving at said intermediary an item ordered from said vendor on behalf of said subscriber pursuant to said subscriber's instruction, and wherein said computer system further comprises means for billing said subscriber for services rendered.

24. (Original) The computer system as recited in Claim 23 wherein said notification means is also for notifying said subscriber upon receipt of said item, and wherein said computer system further comprises means for holding said item for pick-up by said subscriber.

25. (Original) The computer system as recited in Claim 23 further comprising shipping means for shipping said item to said subscriber.

26. (Original) The computer system as recited in Claim 23 wherein said input means is also for receiving at said intermediary a post-delivery request from said subscriber, said post-delivery request relating to said item, and wherein said computer system further comprises means for handling said post-delivery request on behalf of said subscriber.

27. (Original) The computer system as recited in Claim 26 wherein said post-delivery request is selected from the group consisting of a return request, a repair request, an exchange request, a warranty submission request, and a rebate request.

28. (Original) The computer system as recited in Claim 21 wherein said transaction is conducted over the Internet.

29. (Previously Presented) The method as recited in Claim 1 wherein said transaction comprises purchasing an item.

30. (Previously Presented) The method as recited in Claim 2 wherein said transaction comprises conducting a financial transaction.

Appendix II – Evidence

There is no evidence entered and relied upon in this appeal.

Appendix III – Related Proceedings

There are no proceedings identified as related appeals and interferences.